

FILED

NOV 20 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS ARTHUR APPLGATE,

Petitioner,

vs.

KATHLEEN DICKENSON, Warden,

Respondent.

No. C 10-04774 EJD (PR)

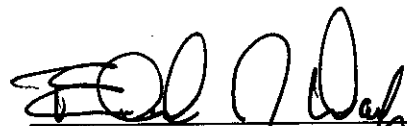
ORDER DENYING MOTION FOR
EXTENSION OF TIME TO FILE NOTICE
OF APPEAL

Petitioner filed a pro se Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 challenging a judgment of conviction from Humboldt County Superior Court. On September 24, 2012, the Court denied the Petition for a Writ of Habeas Corpus. (Doc. No. 23.) On October 17, 2012, Petitioner filed a notice of appeal with the Ninth Circuit Court of Appeal (Doc. No. 25.) See Houston v. Lack, 437 US 266, 275-76 (1988). On November 2, 2012, Petitioner filed a motion for a thirty day extension of time to file a notice of appeal and a second notice of appeal. Because Petitioner's original notice of appeal is timely, Petitioner's motion for an extension of time to file an appeal is DENIED as unnecessary.

This order terminates docket number 26.

IT SO ORDERED.

DATED: 11/20/12


EDWARD J. DAVILA

United States District Court

For the Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

THOMAS ARTHUR APPEGATE,

Plaintiff,

v.

KATHLEEN DICKENSON et al,

Defendant.

Case Number: CV10-04774 EJD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/20/12, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Thomas Arthur Applegate V-27045
California Medical Facility
P. O. Box 2500
Vacaville, CA 95696-2500

Dated: 11/20/12

Richard W. Wicking, Clerk
By: Elizabeth Garcia, Deputy Clerk